

APPEAL NO. 021954
FILED AUGUST 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 11, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that the compensable injury extends to and includes the claimant's C5-6 herniated disc and a C6-7 disc bulge. The appellant (carrier) appealed and the claimant responded, urging affirmance.

DECISION

The hearing officer's decision and order have become final under Section 410.169 because the carrier's appeal was not timely filed with the Texas Workers' Compensation Commission (Commission).

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code. Section 410.202(a) and (d). Commission records indicate that the hearing officer's decision was signed for by the carrier's Austin representative on June 18, 2002. The last date for the carrier to timely file an appeal was July 11, 2002. The appeal was dated July 3, 2002, and was sent to the Commission by facsimile transmission; it was file stamped as being received by the Commission on July 31, 2002. Therefore, the appeal is untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**COUNTY JUDGE
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Daniel R. Barry
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge